

REMARKS

Claims 1-2 and 21-39 are pending in this application. By this Amendment, claims 1, 21, 22, 29 and 39 are amended and claim 20 is canceled. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 20-22 and 27 under 35 U.S.C. §112, second paragraph. By this Amendment, claim 20 is canceled and claims 21 and 22 are amended responsive to the rejection. It is respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 1, 2, 20-21, 23-31 and 33-39 under 35 U.S.C. §102(b) over U.S. Patent No. 4,332,087 (Ellis). The rejection is respectfully traversed.

Ellis fails to disclose or suggest a continuous flexible ring, as recited in claims 1, 29 and 39. Additionally, Ellis fails to disclose or suggest a continuous flexible ring that is sufficiently flexible to self-retain about a rotary machine part solely by elastic deformation of at least one portion thereof, as recited in claim 1.

Ellis discloses a V-belt measuring device 21 for accurately determining the length of a belt required for a given pulley system (Abstract). The measuring device 21 comprises a flexible elongate member 22 having an origin end 23 and a termination end 24 (col. 2, lines 65-68), with a plurality of belt size markings 37 along the outside surface 27. To use the V-belt measuring device 21, the individual doing the measuring grasps and pulls on the origin

end 23 and the termination end 24 so as to approximate the tension desired in the continuous replacement belt (col. 4, lines 15-20). As shown in Fig. 2, one end of the V-belt measuring device 21 has a bevelled length 34 which, when in use, lies along a contact length 36 of the elongate member 22 (col. 4, lines 10-12).

Claims 1, 29 and 39 recite a continuous flexible ring (as illustrated, for example, in Applicants' Fig. 1 and page 5, line 2). Ellis in its entirety, fails to disclose or suggest a continuous flexible ring because the V-belt measuring device 21 has two ends 23, 24.

Additionally, claim 1 recites a ring being sufficiently flexible to self-retain. In other words, no clamping or grasping force is required to keep the parts joined together (page 8, lines 10-13). As mentioned previously, Ellis's V-belt measuring device 21 requires an individual doing the measuring to grasp and pull on the ends 23, 24 of the device 21 (col. 4, line 16) in order to hold the device 21 in place around the pulleys. Thus, Ellis's device is not capable of self-retaining and therefore fails to anticipate all the features of claim 1.

As Ellis fail to disclose or suggest all of the features of claims 1, 29 and 39, it is respectfully requested that the rejection be withdrawn.

The Office Action rejects claims 22 and 32 under 35 U.S.C. §103(a) over Ellis.¹ It is respectfully requested that the rejection be withdrawn.

As explained above, Ellis fails to disclose or suggest all the features of the independent claims. Therefore, Ellis fails to disclose or suggest all the features of claims 22 and 32. It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

¹ An April 27 telephone communication with Examiner Guadalupe clarified that the rejection is over Ellis and not U.S. Patent No. 6,481,115 (Henshaw).

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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